

### **REMARKS**

In view of the foregoing amendments and the following remarks, Applicants respectfully request reconsideration of the present application.

The Examiner has rejected Claims 41-46 under U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner states that in the last line of Claim 41, the phrase "said support phase" lacks antecedent basis. Applicants have cancelled Claims 41-46 and therefore removal of this rejection is requested.

Claims 41-46 were also provisionally rejected under 35 U.S.C. § 101 as claiming the same invention as that of Claims 41-46 of co-pending Application No. 09/532,917, now U.S. Patent No. 6,660,680. Claims 41-46 have been cancelled and therefore removal of this rejection is requested.

Claims 1-3, 6-16 and 29-35, 37 and 38 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-3, 7-16, 24-31 and 33-46 of copending Application No. 09/532,917, now U.S. Patent No. 6,660,680. Therefore, Applicants enclose the appropriate Terminal Disclaimer along with a Terminal Disclaimer fee. Removal of this rejection is therefore requested.

Applicants hereby request a three-month extension of time for responding to the outstanding final Examiner's Action and a check for the extension fee accompanies this response. The Terminal Disclaimer fee also accompanies this response. A Notice of Appeal along with the appropriate response also accompanies this transmittal. It is not believed that any additional fees are owed. Please charge any underpayment or credit any overpayment to Deposit Account No. 50-1419.

Respectfully submitted,

MARSH FISCHMANN & BREYFOGLE LLP

By:



David F. Dockery  
Registration No. 34,323  
3151 South Vaughn Way, Suite 411  
Aurora, Colorado 80014  
(303) 338-0997

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